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STATEMENT OF PROCEDURE FOR THE FORMULATION OF  
CODES, AGREEMENTS, LICENSES AND AMENDMENTS.

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U. S. Department of Agriculture

I. Marketing Agreements and Codes of Fair Competition shall be filed in the office of the Commodities Division, which Division shall assign them to the appropriate Section Chiefs, and in the case of a Code, deliver copies to the National Recovery Administration for assignment to an Assistant Deputy Administrator for the formulation of the Labor Provisions.

II. The formulation of a Code or an Agreement is to be regarded as essentially a joint undertaking on the part of the Specialist, assigned by the Commodity Section Chief, the representative of the Legal Counsel and the representative of the Consumers' Counsel, who have been assigned to the particular Code or Agreement at the request of the Section Chief. Primary responsibility for the progress of the formulation rests upon the Specialist of the Commodity Section. Any problems of new policy or difficulty with reference to harmonizing points of view, as between the assigned personnel, should, if necessary, be called immediately to the attention of the Office of the Assistant Director of the Commodities Division in charge of Codes and Agreements by the Section Chief or Specialist. As soon as the assigned personnel are ready to submit the formulated document for consideration at a Public Hearing, each of the assigned personnel should draft the required analytical statements and recommendations for approval or disapproval. After these have been concurred in by the Section Chief, the General Counsel and the Consumers' Counsel, respectively, they should be assembled by the Specialist into a docket and submitted to the Office of the Assistant Director, Commodities Division.

Any delay in the assembling of the recommendations of the assigned personnel should be reported to the Office of the Assistant Director of the Commodities Division by the Section Chief. It is particularly important that there be no delays on account of any lack of understanding on the part of the Specialist or Section Chief as to what the policy of the Administration is with reference to any matter regarding a Code or an Agreement. The Section Chief and Specialist will be expected to immediately clear all such matters with the Assistant Directors of the Commodities Division.

III. In the case of a Code, the Section Chief or Specialist shall notify the Assistant Deputy Administrator of the National Recovery Administration, assigned to formulate the Labor Provisions of the first conference with representatives of the industry. The Commodities Division shall notify the Section Chief or Specialist of the names of the National Recovery Administration personnel assigned. It is of utmost importance that the

Agricultural Adjustment Administration personnel assigned to work in close collaboration with the National Recovery Administration Assistant Deputy Administrators in the formulation of Codes so that the work in both Administrations shall proceed in unison.

IV. The docket, as submitted for formal hearing by the Section Chief to the Office of the Assistant Director, Commodities Division, shall include:

1. Five copies of the Code or Agreement properly certified.
2. Two copies of the transcript of informal conference, if held.
3. Two copies of a request for mimeographing or printing, including a list of all persons or corporations eligible to become a party to the agreement, made up from lists submitted by the Trade Associations to the Commodities Section Chief and other sources.
4. Four copies of a memorandum of the Section Chief, recommending that a formal hearing be called, which shall include a brief history of the case.
5. Four copies of a memorandum of the General Counsel recommending that a formal hearing be called and including an outline of evidence to be developed.
6. Four copies of a memorandum of the Consumers' Counsel recommending that a formal hearing be called.
7. Four copies of an analytical statement prepared by the Specialist showing the economic justification of the Proposed Code or Agreement.
8. Four copies of a request for formal hearing signed by the sponsoring organization. (In the case of a Code, this application for a formal hearing shall be initialed by the National Recovery Administration representative).

V. If the docket is satisfactory to the Office of the Assistant Director, a recommendation for approval by the Secretary will be drafted and a prepared docket transmitted to the Office of the Chief Hearing Clerk for the preparation of the Notice of Hearing and accompanying documents.



When the necessary documents are drafted and attached to the prepared docket, the Chief Hearing Clerk will attach an index card for the Secretary's file, initial it and place the docket before the Assistant General Counsel, who will initial index card and indicate on it that the Agreement for Code has been recommended for formal hearing by the General Counsel and the Administrator. The Chief Hearing Clerk will then transmit the docket directly to the Secretary's office for approval.

VI. Procedure, after formal hearing, will be substantially the same as that outlined above. The docket, as submitted for tentative approval to the Assistant Director of the Commodities Division, shall include:

1. Five copies of the Code or Agreement as submitted for final action (properly certified.)
2. One copy of the transcript of hearing.
3. Two copies of a request for mimeographing or printing, including a list of all persons or corporations eligible to become a party to the agreement, made up from lists submitted by the Trade Associations to the Commodities Section Chief and other sources.
4. Four copies of a statement of the Section Chief setting forth major revisions made in the document after formal hearing, and the reasons therefor.
5. Four copies of the recommendation of the Section Chief on the revised document.
6. Four copies of the recommendation of the General Counsel on the revised document.
7. Four copies of the recommendation of the Consumers' Counsel on the revised document.

(In the case of a Code, the following shall also be included.)

8. Four copies of the Assent of the Industry secured by the Section Chief.
9. Seven copies of draft of the Executive Order, prepared by the General Counsel.

10. Seven copies of a draft letter from the Secretary to the President presenting the Code, prepared by the General Counsel.

(In the case of a Code, a copy of the Code will be submitted to the National Recovery Administrator for recommendation, when it is ready to be forwarded to the Secretary from the Administrator).

VII. When a Marketing Agreement is returned from the field signed by the members of the sponsoring organization, the Chief Hearing Clerk will prepare the necessary documents for the approval of the Secretary and proceed substantially as outlined above.

VIII. When a license is submitted by a Section Chief to the Assistant Director of the Commodities Division, the docket shall include:

1. A copy of the Agreement as finally approved.
2. Four copies of the License.
3. Four copies of the recommendation of the Section Chief.
4. Four copies of the recommendation of the General Counsel.
5. Two copies of a request for mimeographing or printing, including a list of all persons or corporations to whom a copy of the license should go.

IX. When an amendment is submitted by a Section Chief to the Assistant Director of the Commodities Division, the docket shall include:

1. A copy of Agreement, as approved.
2. Four copies of the amendment.
3. Four copies of the recommendation of the Section Chief.
4. Four copies of the recommendation of the General Counsel.
5. Four copies of the recommendation of the Consumers' Counsel.
6. Two copies of a request for mimeographing or printing, including a list of all persons or corporations eligible to become a party to the agreement, made up from lists submitted by the Trade Associations to the Commodities Section Chief and other sources.

The Assistant Director of the Commodities Division in charge of Codes and Agreements is Mr. Jesse W. Tapp, Room 217, Administration Building, assisted by John E. Dalton, Room 450-A, Administration Building. Dockets ready for consideration or action should be sent to Mr. Dalton in Room 450-A.

*C. C. Davis*  
C. C. DAVIS  
Administrator.